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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/514,198	11/10/2004	David J. Fritze	16657-4	4536

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EXAMINER

LARKIN, DANIEL SEAN

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/514,198	Applicant(s) FRITZE, DAVID J.	
	Examiner Daniel S. Larkin	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10 November 2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following limitations must be shown or the feature(s) canceled from the claim(s):

The "gas chromatograph" spaced from the base plate, as recited in claim 4 in combination with all of the limitations of claim 1.

The "auto injector" mounted to the sliding plate, as recited in claim 5 in combination with all of the limitations of claim 1.

The "means for securing an auto injector to a gas chromatograph and a translator device" as recited in claim 7.

The "bracket for attaching a carousel to a gas chromatograph", as recited in claim 9 in combination with all of the limitations of claim 7. No new matter should be entered.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Page 4, line 12: A -- comma -- should be inserted after the term "Finally".

Page 4, line 25: A -- comma -- should be inserted prior to the term "such".

Appropriate correction is required.

Claim Objections

4. Claims 7-9 are objected to because of the following informalities:

Re claim 7, claim line 2: The "comma" after the conjunction "and" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, claim lines 3-5: The claim fails to provide any discussion of the attachment relationships between the listed structures.

Re claim 3, claim line 1: The claim fails to provide any discussion of the positional relationship between the alignment tool and the structures listed in claim 1.

Re claim 4, claim line 1: The claim fails to provide any discussion of the positional relationship between the standoff and the recited base plate and gas chromatograph along with the structures listed in claim 1.

Re claim 6, claim line 1: The claim fails to provide any discussion of the positional relationship between the alignment tool and the auto injector and sliding plate listed in claim 5 and in combination with the structures listed in claim 1.

Re claim 7, claim line 1: The claim fails to provide any discussion of the positional relationship between the translator device and the means for securing an auto injector to a gas chromatograph as listed in claim 7.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 5, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,121,465 (Harris, Sr. et al.).

With respect to the limitations of claim 1, the reference to Harris, Sr. et al. discloses an automatic fluid injector, and magazine therefor, comprising: a base plate (55) having an aperture; a slide plate (59₁, 59₂) having at least one aperture; and mounting fasteners for mounting the slide plates to the base plate, as shown in Figure 6.

NOTE: The preamble has not been given any patentable weight because the text of the preamble is not present within the body of the claim.

With respect to the limitation of claim 2, the reference to Harris, Sr. et al. ('465) discloses that the sliding plate appears to be comprised of a rear plate (59₂) and a front plate (59₁).

With respect to the limitation of claim 4, the reference to Harris, Sr. et al. ('465) appears to show the base plate (55) being spaced from the gas chromatograph by a plate/standoff, see Figures 5-7 and 11.

With respect to the limitation of claim 5, the reference to Harris, Sr. et al. ('465) discloses that the injector (50) is mounted to a plate (54) which works with the sliding plate through the use of screws, as shown in Figures 12 and 13, which acts as a functional equivalent to applicant's pins for holding the injector to the sliding plate.

With respect to the limitations of claim 7, the reference to Harris, Sr. et al. ('465) discloses means (54, 55, 59₁, 59₂) for mounting an auto injector (50) to a gas

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chromatograph; and a translator device (i.e. drive means for actuating and reciprocating the injector 50).

With respect to the limitations of claim 9, the reference to Harris, Sr. et al. ('465) discloses a bracket (20) for attaching a carousel/magazine (20) to the injector (50) and subsequently to the gas chromatograph.

9. Claims 1, 3-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,000,654 (Harris, Jr.).

With respect to the limitations of claim 1, the reference to Harris, Jr. discloses an automatic fluid injector, comprising: a base plate (50) having an aperture; a slide plate (40) having at least one aperture; and mounting fasteners.

NOTE: The preamble has not been given any patentable weight because the text of the preamble is not present within the body of the claim.

With respect to the limitation of claim 3, the reference to Harris, Jr. discloses an alignment means for maintaining alignment of the sliding plate (40) with the base plate (50), see col. 3, lines 54-58 and col. 5, lines 48-56.

With respect to the limitation of claim 4, the reference to Harris, Jr. appears to show the base plate (50) being spaced from the gas chromatograph by a septum inlet/standoff (120), as shown in Figures 1, 2, 4, 11, and 12.

With respect to the limitation of claim 5, the reference to Harris, Jr. appears to show the injector (10) mounted to the sliding plate (40) through the of a pin (20), as shown in Figures 1, 2, 4, and 5.

With respect to the limitation of claim 6, the reference to Harris, Jr. discloses an alignment means for maintaining alignment of the sliding plate (40) with the base plate (50), see col. 3, lines 54-58 and col. 5, lines 48-56.

With respect to the limitations of claim 7, the reference to Harris, Jr. et al. discloses means (40, 50) for mounting an auto injector (10) to a gas chromatograph; and a translator device/piston (51) for moving the sliding plate (40).

With respect to the limitations of claim 9, the reference to Harris, Jr. discloses a bracket for attaching a carousel/magazine (90) to the injector (10) and subsequently to the gas chromatograph.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,121,465 (Harris, Sr. et al.) in view of US 5,545,252 (Hinshaw et al.).

With respect to the limitation of claim 8, the reference to Harris, Sr. et al. discloses all of the limitations of the base claim; however, the reference fails to disclose to disclose that translator device comprises firmware.

The reference to Hinshaw et al. discloses a gas chromatographic system having an injector (14) connected to a detector (16) through a chromatographic column (12).

The reference to Hinshaw et al. further discloses that an appropriate computer with programming software and/or firmware is provided with a commercial chromatographic system. Providing firmware with the chromatograph would have been obvious to one of ordinary skill in the art as a means of allowing the injector, chromatographic and computer to communicate properly with one another, thus maximizing the ability of the chromatographic system.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,000,654 (Harris, Jr.) in view of US 5,545,252 (Hinshaw et al.).

With respect to the limitation of claim 8, the reference to Harris, Jr. discloses all of the limitations of the base claim; however, the reference fails to disclose that translator device comprises firmware.

The reference to Hinshaw et al. discloses a gas chromatographic system having an injector (14) connected to a detector (16) through a chromatographic column (12). The reference to Hinshaw et al. further discloses that an appropriate computer with programming software and/or firmware is provided with a commercial chromatographic system. Providing firmware with the chromatograph would have been obvious to one of ordinary skill in the art as a means of allowing the injector, chromatographic and computer to communicate properly with one another, thus maximizing the ability of the chromatographic system.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

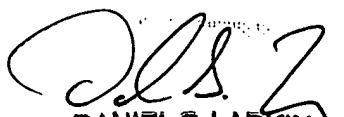
The prior art to US 4,044, 616 and 4,094,197 (Harris, Sr. et al.) both disclose automatic fluid injectors for injecting samples into an analytical instrument.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin
AU 2856
13 February 2006


DANIEL S. LARKIN
PRIMARY EXAMINER